

NOV 08 2005

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RECIPIENT	COMPANY	FAX NO.	PHONE NO.
John Sipos		(571) 273-4468	

• MESSAGE •

Application No. 10/647,819
Our Reference No. 47097-00057USPR

Pursuant to your discussion with Dan Burnham, attached is a Terminal Disclaimer and a Fee Transmittal for the above-referenced application.

NOTICE OF CONFIDENTIALITY

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PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENTDocket No. (Optional)
47097-00057USPR

In Re Application Of: Thomas et al.
 Application No.: 10/647,819
 Filed: August 25, 2003
 For: Fill-Through-The-Top Package And Method And Apparatus For Making The Same

The owner, Pactiv Corporation, of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,148,588. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record.

Pactiv Corporation

Date: November 8, 2005

 Daniel J. Burnham
 Reg. No. 39,618
 Jenkens & Gilchrist
 225 West Washington Street, Suite 2600
 Chicago, IL 60606-3418
 (312) 425-3900

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.

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*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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CHICAGO 319484v1 47097-00057USPR

PAGE 2/3 * RCVD AT 11/8/2005 3:43:51 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/27 * DNI:2734468 * CSID:3124253909 2 * DURATION (mm:ss):01:06

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NOV 08 2005

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEES TRANSMITTAL
For FY 2005** Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 450.00)**Complete If Known**

Application Number	10/647,819
Filing Date	August 25, 2003
First Named Inventor	Toby R. Thomas
Examiner Name	John Sipos
Art Unit	3721

Attorney Docket No. 47097-00057USPR

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account 10-0447/47097-
Deposit Account Number: 00057USPR Deposit Account Name: Jenkins & Gilchrist, a Professional Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

Small EntityFee (\$)

50 25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
41	x	=			

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 8 -	x	=	

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional \$0 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
100	/50	(round up to a whole number)	x	=

4. OTHER FEE(S)

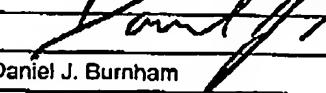
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer Fee

Fee Paid (\$)

130.00

SUBMITTED BY

<u>Signature</u>		<u>Registration No. (Attorney/Agent)</u>	39,618	<u>Telephone</u>	(312) 425-8513
<u>Name (Print/Type)</u>	Daniel J. Burnham			<u>Date</u>	November 8, 2005